

## MEMORANDUM

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: October 22, 2002

SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated September 23, 2002. If you would like additional information, please let me know.

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**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

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## **Part I**

### **Investigations Completed**

#### **Cases Scheduled For Hearing:**

##### **Scheduled for Brief Enforcement Hearing**

**Bainbridge Parents for Better Parks, Tom Hujar, Treasurer -- Case #02-295;**

**Investigator: Suemary Trobaugh**

Date Received: April 11, 2002

Date Started: April 17, 2002

Section of Law: RCW 42.17.040, .080 and .090

Status: Investigation Complete

Summary: A complaint was received from John Rudolph alleging that Tom Hujar and Bainbridge Parents for Better Parks failed to timely register and report as a political committee for activities undertaken in opposition to a February 5, 2002, local ballot proposition. A brief enforcement hearing has been scheduled for October 29, 2002.

Disposition: Pending

#### **Cases Closed**

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings.)

##### **Full Enforcement Hearing**

See Page 7 – **National Education Association, Case No. 02-282** - By a unanimous vote, the Commission found multiple apparent violations of RCW 42.17.760 by the NEA when it used agency shop fees to make contributions or expenditures to influence an election or to operate a political committee without authorization from the employees. The Commission found that given the insufficiency of its penalty authority, in lieu of holding an enforcement hearing, the Commission referred the above referenced apparent violations to the Washington State Attorney General's Office for appropriate action pursuant to RCW 42.17.360 and .395 and WAC 390-37-100.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

### **Brief Enforcement Hearings**

#### **Ad Hoc Merchants Committee, Doug Schurman, Treasurer (formerly listed as Harry Van Horn)--Case #02-270; Investigator: Lori Anderson**

Date Received: November 27, 2001

Date Started: November 27, 2001

Section of Law: RCW 42.17.040 & .080

Status: Investigation Complete

Summary: A complaint was filed by Wanda Keefer against Harry Van Horn, the editor of the Asotin County-Clarkston Gazette, for placing political advertising in the Asotin County-Clarkston Gazette during the 2001 election that failed to include the proper sponsor identification. The investigation of that complaint revealed the existence of the advertisements' true sponsor, the Ad Hoc Merchants Committee, which allegedly failed to timely file reports disclosing its activities.

**Disposition:** A brief enforcement hearing was held on October 2, 2002. It was found that the Ad Hoc Merchants Committee violated RCW 42.17.040 by failing to timely register as a political committee, and also violated RCW 42.17.080 by failing to allow for public inspection of the committee's campaign records during the eight days before the 2001 general election. A \$250 penalty was assessed against the Ad Hoc Merchants Committee.

#### **Jim West Campaign--Case #03-018; Investigator: Lori Anderson**

Date Received: July 24, 2002

Date Started: July 26, 2002

Section of Law: RCW 42.17.510

Status: Investigation Complete

Summary: A complaint was received from Julian Powers and Jane Cunningham alleging that the Jim West Campaign paid for a broadcast political advertisement that aired on television without containing the proper sponsor identification.

**Disposition:** A brief enforcement hearing was held on October 3, 2002. It was found that the Jim West Campaign violated RCW 42.17.510 by failing to include spoken sponsor identification and party affiliation in broadcast political advertising. A \$100 penalty was assessed, with all \$100 being suspended on the condition that the Jim West Campaign commits no further violations of RCW 42.17.510 for the remainder of the 2002 election cycle.

No cases were dismissed with the concurrence of the chair during this period.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

## **Cases Referred To Attorney General For Further Action**

### **Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#00-241; Investigator: Kurt Young**

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

**Disposition:** The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General's Office.

### **Washington Education Association—Case #01-002; Investigator: Lori Anderson**

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees' wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General's Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General's Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen's action in superior court.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Disposition:** The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General’s Office.

**Thurston County Superior Court Disposition:** The Attorney General’s Office filed suit in Thurston County, and the case went to trial in Thurston County Superior Court. The Thurston County Superior Court found the Respondent intentionally violated RCW 42.17.760, and assessed a total civil penalty of \$400,000. The Washington Education Association has appealed that decision.

**Protect Our Pets and Wildlife--Case #01-134; Investigator: Suemary Trobaugh**

Date Received: October 20, 2000

Date Started: October 25, 2000

Section of Law: RCW 42.17.080, .090 and .510

Status: Investigation Complete

Summary: A complaint was received from Ed Owens, Chair of Citizens for Responsible Wildlife Management, alleging that Protect Our Pets failed to report in kind contributions from a flyer mailing and a postcard mailing. The postcard mailing allegedly did not contain proper sponsor identification. Mr. Owens also alleged that Protect Our Pets failed to report expenditures for political ads placed with local television stations (King-5, KIRO, and KOMO in Seattle). In addition, Mr. Owens alleged that these ads did not contain proper sponsor identification. A brief enforcement hearing was held on October 18<sup>th</sup>. However, rather than ruling on the case, the Presiding Officer continued the matter to the November 1<sup>st</sup> brief hearing date. On November 1, 2001, Chair Christine Yorozu, the Presiding Officer at the hearing, declined to hear additional evidence and moved the matter to be heard by the full Commission. An enforcement hearing was held before the full Commission on January 22, 2002. The Commission instructed the attorneys for the PDC staff and the Respondent to submit briefs on the legal issues for consideration by the Commission on February 26, 2002.

**Disposition:** The Commission found that the Respondent committed an apparent violation of RCW 42.17.080, and .090, and referred the matter to the Attorney General’s Office.

**Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman—Case #02-281; Investigator: Kurt Young; (Also received 45-Day Letter of Complaint)**

Date Received: February 6, 2002

Date Started: February 6, 2002

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Section of Law: RCW 42.17.080, .090, .120, & .125

Status: Investigation Complete

Summary: A complaint was filed by PDC Executive Director Vicki Rippie against Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman alleging the following: 1) failure to properly report committee expenditures, including the purpose of those expenditures; 2) concealing the fact that committee funds were expended to pay Mr. Eyman for compensation for the work he performed on behalf of Permanent Offense; 3) use of committee funds to pay for Mr. Eyman's personal expenses. In addition, a “45-day letter of complaint” was filed by Richard A. Smith and Knoll Lowney, attorneys with Smith & Lowney, PLLC, representing Permanently Offended, with the Office of the Attorney General and the County Prosecutor's Offices in King, Snohomish and Thurston counties against Permanent Offense, Permanent Offense, Inc., Traffic Improvement Initiative, Tim Eyman, Karen Eyman, and Suzanne Karr alleging violations similar to those outlined in the PDC complaint.

**Disposition:** A report to the Commission was presented at its special April 9, Commission meeting. The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General's Office.

**National Education Association—Case #02-282; Investigator: Suemary Trobaugh; (45-Day Letter of Complaint)**

Date Received: January 31, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.040, .080, .090, .680 and .760

Status: Investigation Complete

Summary: On January 31, 2002, the Evergreen Freedom Foundation, Lowell Johnson, Carrie Riplinger, Susan Kobes and David Williams, through attorney Jeanne Brown filed a citizen's action letter under RCW 42.17.400(4) with the Office of the Attorney General and the State of Washington's County Prosecutors' Offices. The complaint alleged violations by the NEA's Ballot Measure/Legislative Crisis and Media Campaign Fund of 1) RCW 42.17.040 et. seq (failure to register as a political committee); 2) violations of RCW 42.17.680(3) (diverting a portion of an employee's wages or salaries for contributions to political committees without the written request of the employee); and 3) violations of RCW 42.17.760 (using agency shop fees paid by non members to influence an election without written authorization by the Individual). On February 6, 2002, the Office of the Attorney General officially notified the

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PDC that they were referring the matter to the PDC for investigation. PDC Staff completed a Preliminary Report of Investigation and prepared a memorandum to Commission members concerning Staff’s findings and recommendation.

**Disposition:** On April 9, 2002, the matter was on the Commission’s agenda as a report to the Commission. In light of the complaint the Evergreen Freedom Foundation filed against the NEA in Thurston County Superior Court on April 8, 2002 under provisions of RCW 42.17.400(4), the Commission accepted Staff’s recommendation that it take no action in this case. On August 23, 2002, Thurston County Superior Court Judge Paula Casey dismissed the lawsuit filed by EFF against NEA. Judge Casey’s dismissal was based on a decision by the WA State Court of Appeals in State ex rel. Evergreen Freedom Foundation v Washington Education Association, No. 25272-4-II, where the court stated that “Before the 10-day period<sup>1</sup> had passed after EFF’s second letter to the AG, the AG forwarded the allegations to the PDC for investigation...Because the AG acted before the end of the 10-day period, EFF could not bring a citizen’s action lawsuit under RCW 42.17.400...” By a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680.

On October 2, 2002, at a special Commission meeting, by a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680. By a unanimous vote, the Commission found multiple apparent violations of RCW 42.17.760 by the NEA when it used agency shop fees to make contributions or expenditures to influence an election or to operate a political committee without authorization from the employees. The Commission found that given the insufficiency of its penalty authority, in lieu of holding an enforcement hearing, the Commission referred the above referenced apparent violations to the Washington State Attorney General’s Office for appropriate action pursuant to RCW 42.17.360 and .395 and WAC 390-37-100.

**Washington State Democratic Central Committee—Case #03-005; Investigator:  
Susan Harris**

Date Received: July 8, 2002

Date Started: July 8, 2002

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<sup>1</sup> RCW 42.17.400 states: “The citizen action may be brought only if the attorney general...ha(s) failed to commence an action hereunder within forty-five days and after such notice and such person has thereafter further notified the attorney general...that said person will commence a citizen’s action within ten days upon their failure to do so...”



**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Section of Law: RCW 42.17.065, .080, & .090

Status: Investigation Complete

Summary: A complaint was filed by PDC Executive Director Vicki Rippie alleging that the Washington State Democratic Central Committee (WSDCC) violated RCW 42.17.080 and .090 by failing to file C-3 reports disclosing contributions received during the 2000 election cycle. In addition, the complaint also alleged the WSDCC failed to timely file C-3 reports disclosing contributions received during the 2000 election cycle until August of 2001 and January of 2002.

**Disposition:** This matter was presented as a report to the Commission on August 27, 2002. The Commission found multiple apparent violations of RCW 42.17.080 and 42.17.090 for failure to timely file reports of contributions and expenditures, and referred the case to the Attorney General’s Office for appropriate action.

## **Part II**

### **Active Investigations**

#### **Investigations In Progress**

**Farmers First (Kenton Coy)--Case #02-279; Investigator: Lori Anderson**

Date Received: December 4, 2001

Date Started: January 30, 2002

Section of Law: RCW 42.17.040, .080, .090, & 510

Status: Under Investigation

Summary: A complaint was filed by Valeria Barschaw against Farmers First (Kenton Coy) for failing to register and report as a political committee for activities undertaken in opposition to a local ballot proposition, Snohomish County Initiative 01-02. In addition, the complaint also alleged failing to include the proper sponsor identification on political advertising.

Disposition: Pending

**Peterson, Gary; Benjamin, Richard; Foote, Michael; Steenrod, Maggie; Guite, Jerry; Coomer, Joe-- Case #02-296; Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.040, .080, .090, .100, .240 and .510

Status: Under Investigation

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from Dave Kaplan alleging that Gary Peterson failed to disclose information on his Personal Financial Affairs Statement (PDC Form F-1); that consulting services were provided by Don Wasson to two Des Moines City Council candidates that exceeded the mini reporting limits; that the Des Moines Marina Association made contributions to three candidates for Des Moines City Council that were not disclosed; that a political advertisement was produced and distributed in the City of Des Moines without sponsor identification; that additional political advertisements supporting or opposing candidates for Des Moines City Council failed to contain proper sponsor identification and were not timely reported; and that public facilities of King County Water District #54 were used to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council in the 2001 City Council elections. On May 1, 2002, a complaint addressing several of the same issues was received from Stanley M. Scarvie on behalf of Citizens for Des Moines. Mr. Scarvie's complaint has been combined with Case #02-296.

**NOTE:** The investigative portion of the complaint regarding Michael Foote's alleged use of the public facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates has been suspended pending the outcome of pending litigation.

Disposition: Pending

**Whatcom County Republican Party--Case #03-019; Investigator: Kurt Young**

Date Received: August 8, 2002

Date Started: August 9, 2002

Section of Law: RCW 42.17.065, .080 and .090

Status: Under Investigation

Summary: A complaint was filed by Vicki Rippie, PDC Executive Director, alleging that the Whatcom County Republican Party failed to timely report contribution and expenditure information for activities undertaken during calendar years 1999, 2000 and 2001.

Disposition: Pending

**Snohomish County Deputy Sheriff's Association & Mike Ashley--Case #03-020; Investigator: Lori Anderson**

Date Received: September 18, 2002

Date Started: September 18, 2002

Section of Law: RCW 42.17.080, .090 & .100

Status: Under Investigation

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from Michael Roskind alleging that the Snohomish County Deputy Sheriff’s Association made expenditures during the 2001 Snohomish County Council elections that supported the Mike Ashley Campaign and have not been reported either as independent expenditure by the Snohomish County Deputy Sheriffs’ Association or as an in-kind contribution received by the Mike Ashley campaign.  
Disposition: Pending

**Porter, Rick– Case #03-021; Investigator: Tony Perkins**

Date Received: October 3, 2002  
Date Started: October 7, 2002  
Section of Law: RCW 42.17.040, .080, .090 and .510  
Status: Under Investigation  
Summary: A complaint was received from Karen Unger alleging that the Rick Porter Campaign filed campaign reports that did not accurately disclose contribution and expenditure activities, failed to include the complete campaign records inspection information on the Candidate Registration Statement (PDC Form C-1), and sponsored political advertising that failed to contain the proper sponsor identification.  
Disposition: Pending

**Citizens for a Better Covington – Case #03-022; Investigator: Tony Perkins**

Date Received: August 2, 2002  
Date Started: August 8, 2002  
Section of Law: RCW 42.17.080, .090 and .105  
Status: Under Investigation  
Summary: A complaint was received from Mark Zimmerman alleging that the Citizens for a Better Covington, a political committee, failed to timely file last minute contribution reports and other committee reports as required.  
Disposition: Pending

**Roach, Pam – Case #03-024; Investigator: Lori Anderson**

Date Received: August 12, 2002  
Date Started: August 12, 2002  
Section of Law: RCW 42.17.080, .090 and .095  
Status: Under Investigation  
Summary: A complaint was received from Greg Rodriguez alleging that the Pam Roach Campaign failed to timely file contribution and expenditure activities for

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her 2002 re-election campaign, and that Ms. Roach failed to file reports disclosing activities of her surplus funds account.

Disposition: Pending

**Jackley, Brock--Case #03-046; Investigator: Sally Parker**

Date Received: September 6, 2002

Date Started: September 6, 2002

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Lois McMahan alleging that the Brock Jackley Campaign produced and distributed political advertising that contained false statements of material fact made with actual malice against Ms. McMahan, a candidate opposing Brock Jackley.

Disposition: Pending

**Simpson, Geoff--Case #03-047; Investigator: Sally Parker**

Date Received: September 11, 2002

Date Started: September 11, 2002

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was received from Irma Larson alleging that the Geoff Simpson Campaign used photographs of Ms. Larson in political advertising as an endorsement of his candidacy, when no endorsement had been obtained.

Disposition: Pending

**Public School Employees of Washington--Case #03-059; Investigator: Sally Parker**

Date Received: September 30, 2002

Date Started: September 30, 2002

Section of Law: RCW 42.17.100 & .103

Status: Under Investigation

Summary: A complaint was received from Martyn Butler alleging that the Public School Employees of Washington failed to timely file an Independent Expenditure Report (PDC Form C-6) within 24 hours as required if the expenditure occurs within 21 days of an election.

Disposition: Pending

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**Senate Republican Campaign Committee--Case #03-060; Investigator: Suemary Trobaugh**

Date Received: October 4, 2002

Date Started: October 4, 2002

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Kurt Fritts, Executive Director of the Senate Democratic Campaign Committee, alleging that the Senate Republican Campaign Committee failed to timely report contribution and expenditure activities.

Disposition: Pending

**So Tired of Paying Taxes--Case #03-061; Investigator: Sally Parker**

Date Received: September 13, 2002

Date Started: October 21, 2002

Section of Law: RCW 42.17.040, .080 & .090

Status: Under Investigation

Summary: A complaint was received from Dennis Antonellis alleging that the So Tired of Paying Taxes Committee failed to timely file the Committee Registration Statement (PDC Form C-1pc), and failed to timely disclose the committee's contribution and expenditure activities.

Disposition: Pending

**Healthcare for Washington's Working Families--Case #03-062; Investigator: Tony Perkins**

Date Received: September 3, 2002

Date Started: October 21, 2002

Section of Law: RCW 42.17.105

Status: Under Investigation

Summary: A complaint was received from Janet Vantzelfden alleging that the Healthcare for Washington's Working Families, a 2001 statewide initiative committee, received contributions within 21-days of the 2001 general election that exceeded \$5,000 from one source.

Disposition: Pending

**Myers, Brett--Case #03-063; Investigator: Tony Perkins**

Date Received: October 9, 2002

Date Started: October 21, 2002

Section of Law: RCW 42.17.530

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Status: Under Investigation

Summary: A complaint was received from Steven R. Tomson alleging that Brett Meyers, a Republican candidate for Whitman County Sheriff, falsely implied or claimed that he was the incumbent sheriff on political advertising sponsored by his campaign.

Disposition: Pending

**Ward, Yvonne– Case #03-067; Investigator: Tony Perkins**

Date Received: October 17, 2002

Date Started: October 17, 2002

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Tabitha Wells alleging that Yvonne Ward, a candidate for State Senator, failed to file reports disclosing contribution activities.

Disposition: Pending

**Bookspan, Elizabeth– Case #03-069; Investigator: Tony Perkins**

Date Received: October 9, 2002

Date Started: October 21, 2002

Section of Law: RCW 42.17.060 & .640

Status: Under Investigation

Summary: A complaint was received from Ralph E. Gorin, Chair of the 45<sup>th</sup> District Democratic Organization, alleging the Elizabeth Bookspan Campaign had accepted contributions that exceeded the contribution limits, and that contributions received by the campaign may have been accepted and deposited by someone other than the treasurer or deputy treasurer.

Disposition: Pending

**Bauer, Ron--Case #03-070; Investigator: Kurt Young**

Date Received: October 16, 2002

Date Started: October 16, 2002

Section of Law: RCW 42.17.080, .090 & .640

Status: Under Investigation

Summary: A complaint was filed by Deryl McCarty, Secretary for the Pierce County Republican Party, alleging that Ron Bauer, a candidate for State Representative in the 2<sup>nd</sup> Legislative District, failed to report contribution and expenditure activities during the 2002 election, and failed to timely file contribution and expenditure reports for activities undertaken during the 2000

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election cycle. In addition, it was also alleged that Ron Bauer received contributions that exceeded the primary contribution limits of \$625.  
Disposition: Pending

**Hunter, Ross--Case #03-071; Investigator: Kurt Young**

Date Received: October 21, 2002  
Date Started: October 21, 2002  
Section of Law: RCW 42.17.080, & .090  
Status: Under Investigation  
Summary: A complaint was filed by Justin Kawabori alleging that Ross Hunter, a candidate for State Representative in the 48<sup>th</sup> Legislative District, failed to timely file the 21-day pre-general C-4 report that was due to be filed no later than October 15, 2002.  
Disposition: Pending

**Nixon, Toby--Case #03-072; Investigator: Kurt Young**

Date Received: October 18, 2002  
Date Started: October 18, 2002  
Section of Law: RCW 42.17.640  
Status: Under Investigation  
Summary: A complaint was filed by Ralph E. Gorin, chair of the 45<sup>th</sup> Legislative District Democrat's, alleging that Toby Nixon, a candidate for State Representative in the 45<sup>th</sup> Legislative District, received a contribution that exceeded the general election contribution limits of \$625.  
Disposition: Pending

## **Cases Under Review**

**Rabe, Andree--Case #02-349; Investigator: Lori Anderson**

Date Received: May 2, 2002  
Date Started: May 8, 2002  
Section of Law: RCW 42.17.510  
Status: Under Review  
Summary: A complaint was received from Jon Iverson alleging that Andree' Rabe violated RCW 42.17.510 by sponsoring political advertising against a local ballot proposition that failed to contain an accurate address in the sponsor identification, and by failing to file campaign finance reports disclosing the contribution and expenditure information related to the advertising.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Disposition: Pending

**Blankenship, Michael-- Case #02-351; Investigator: Suemary Trobaugh**

Date Received: May 8, 2002

Date Started: May 16, 2002

Section of Law: RCW 42.17.241

Status: Under Review

Summary: A complaint was received from John E. Hill alleging that Michael Blankenship, a school board member in Kettle Falls School District 212 and a Ferry County Commissioner, failed to report all required information on his 1997 and 1998 Personal Financial Affairs Statements.

Disposition: Pending

**Carlson, John-- Case #03-004; Investigator: Suemary Trobaugh**

Date Received: June 28, 2002

Date Started: June 28, 2002

Section of Law: RCW 42.17.080, .090, and .640

Status: Under Review

Summary: An additional complaint was received from Richard Pope alleging that John Carlson, a candidate for Governor in 2000, violated RCW 42.17.080 and .090 by failing to include employer and occupation information for in-kind contributors and by failing to properly report campaign liabilities. The complaint also alleged violations of RCW 42.17.640 by accepting in-kind contributions from contributors in excess of the 2000 primary contribution limit of \$1,200.

Disposition: Pending

**Committee for Unemployment Insurance Reform--Case #03-017; Investigator: Lori Anderson**

Date Received: July 17, 2002

Date Started: July 24, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Daimon Doyle alleging that the Committee for Unemployment Insurance Reform failed to report in-kind contributions for attorneys fees incurred for a legal challenge to Referendum 53, a statewide ballot proposition.

Disposition: Pending



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**Save Our Spending Limits – Case #03-023; Investigator: Suemary Trobaugh**

Date Received: August 8, 2002

Date Started: August 8, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Andy Grow alleging that Save Our Spending Limits, a political committee that supported a statewide ballot proposition during 2002, failed to file reports disclosing activities undertaken during its signature gathering efforts.

Disposition: Pending

**Washington State Democratic Central Committee—Case #03-026; Investigator: Susan Harris**

Date Received: August 7, 2002

Date Started: August 7, 2002

Section of Law: RCW 42.17.090

Status: Under Review

Summary: A “45-day Citizen Action Letter” was received from Richard Pope alleging that the Washington State Democratic Central Committee (WSDCC) failed to forfeit contributions received from out-of-state or federal political committees when those committees failed to file PDC form C-5 within ten days of the date the WSDCC received the contributions.

Disposition: Pending

**Jefferson County Republican Central Committee--Case #03-027; Investigator: Suemary Trobaugh**

Date Received: August 20, 2002

Date Started: August 20, 2002

Section of Law: RCW 42.17.060, .080 & .090

Status: Under Review

Summary: A complaint was received from Ronald Nelson alleging that the Jefferson County Republican Central Committee received anonymous contributions in excess of contribution limits in calendar year 2001 and 2002, and failed to timely file campaign finance disclosure reports in April, May, June and July of 2002.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**NOTE: On July 29, 2002, King County Superior Court Judge Richard McDermott issued a Permanent Injunction in *Washington Education Association v. PDC et al.* against the PDC’s distribution of, investigations concerning, and enforcement of certain provisions of the PDC’s “Guidelines for School Districts in Election Campaigns” that were finalized by the PDC in August 2001. The Guidelines explain the PDC’s interpretation of RCW 42.17.130. The Findings of Fact and Conclusions of Law that were also entered by the superior court, along with the Permanent Injunction, raise questions about the constitutionality of RCW 42.17.130. The PDC filed an appeal from the Permanent Injunction with the Washington State Supreme Court, and also filed an Emergency Motion to Stay the Injunction Pending Appeal. On September 4, 2002, that motion was denied. As a result, the Permanent Injunction, and the Findings of Fact and Conclusions of Law, remain in effect.**

**Therefore, until the State Supreme Court has heard this case after full briefing and argument by the parties and has issued its written decision, we are suspending investigation of complaints alleging violations of RCW 42.17.130, with two exceptions. The PDC will investigate, but not bring to a hearing until the State Supreme Court issues its decision, those complaints involving the use of e-mail or internal mail systems for communicating endorsements, and the use of classrooms for distributing materials expressly advocating support for or opposition to one or more candidates. See our website for copies of the Permanent Injunction and Findings of Fact and Conclusions of Law, as well as RCW 42.17.130, WAC 390-05-271 and WAC 390-05-273.**

Based on the facts above, the following investigations are suspended until further notice:

**City of Vancouver (City Officials) -- Case #02-286; Investigator: Suemary Trobaugh**

Date Received: January 30, 2002

Date Started: February 13, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Kelly Hinton alleging that officials of the City of Vancouver used city facilities to support a February 5, 2002, local ballot proposition.

Disposition: Pending

**Spencer, Dane-- Case #02-291; Investigator: Suemary Trobaugh**

Date Received: March 18, 2002

Date Started: April 1, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from Tom Hujar alleging that officials of the Bainbridge Island Park District used park facilities to support a February 5, 2002, local ballot proposition.

Disposition: Pending

**Foote, Michael -- Case #02-292; Investigator: Sally Parker**

Date Received: April 1, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.130 and .510

Status: Investigation Suspended

Summary: A complaint was received from Robert Awford alleging that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council during the 2001 City Council elections.

Disposition: Pending

**Pearsall-Stipek, Cathy; McCarthy, Pat-- Case #02-294; Investigator: Sally Parker**

Date Received: April 3, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Dale Washam alleging that Cathy Pearsall-Stipek, Pierce County Auditor, used or authorized the use of facilities of the Pierce County Auditor's Office to assist her 1998 election campaign for Pierce County Auditor and the 2002 election campaign of Pat McCarthy for Pierce County Auditor. The portion of the complaint alleging that Pat McCarthy violated RCW 42.17.130 was dismissed July 22, 2002.

Disposition: Pending

**Peterson, Gary; Benjamin, Richard; Foote, Michael; Steenrod, Maggie; Guite, Jerry; Coomer, Joe-- Case #02-296; Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.040, .080, .090, .100, .130, .240 and .510

Status: .130 Portion of Investigation Suspended

Summary: A complaint was received from Dave Kaplan alleging a number of violations against several candidates and individuals. One allegation was that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Council in the 2001 City Council elections. That portion of the complaint has been suspended pending the outcome of pending litigation. See Table of Contents for location of additional case summary information.

Disposition: Pending

**Anderson, Don--Case #03-007; Investigator: Kurt Young**

Date Received: July 10, 2002

Date Started: July 10, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Karl Sloan alleging that Don Anderson, an employee of the Okanogan County Prosecutor's Office and a candidate for Okanogan County Prosecutor in 2002, violated RCW 42.17.130 by using the facilities of the Okanogan County Prosecutor's Office to support his candidacy.

Disposition: Pending